

Appln. No. Serial No. 10/807,722
Amdt. Dated 6/6/05
Second Response in Appln, Reply to Office Action of 1/6/2005
Page 5 of 7

REMARKS

Upon entry of the foregoing amendment, Claims 2, 4-5 and 10 are presented for examination, Claims 1, 3, and 6 have been cancelled, Claim 10 has been added, and Claims 7-9 have been withdrawn. The Examiner rejected Claims 1-6 under 35 U.S.C. 112, first paragraph, and rejected Claims 1-6 under 35 U.S.C. 102(b). No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

Claims 2, 4, 5, and 10 Are Definite

The Examiner rejected Claims 1-6 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicated that the limitation of "the tube holding wall portion provided in the second separated body and holds the flat tube" was not supported in the specification. Applicants clarified in new Claim 10 that the tube holding wall portion is provided in the first separated body and holds the flat tube. Accordingly, Claims 2, 4, 5, and 10 are now definite.

Claims 2, 4, 5, and 10 Are Not Anticipated by Bertva or Calleson

The Examiner rejected Claims 1, 3-4, and 6 as anticipated by Bertva, and rejected Claims 1-6 as anticipated by Calleson. Applicants traverse these rejections for the reasons discussed below.

Claim 10

The header tank of new Claim 10 requires, among other elements, that the second separated body (32B) includes a main body portion (41) closing an opening portion of the first separated body, abutment portions (42) provided in both ends of the main body portion (41) and abutted on leading end surfaces (36a) of the straight portions (36) in the first separated body (32A), and joint projections (43) protruded from the main body portion (41) and bonded to inner peripheral surfaces of leading end portions of the straight portions (36), and the length of the main body portion (41) in a direction orthogonal to the insertion

Appln. No. Serial No. 10/807,722
Amdt. Dated 6/6/05
Second Response in Appln, Reply to Office Action of 1/6/2005
Page 6 of 7

direction (X) of the flat tubes (30) does not exceed the length of the first separated body (32A) in the direction orthogonal to the insertion direction of the flat tubes (Y).

Making the length of the main body portion (41) in a direction orthogonal to the insertion direction of the flat tubes (30) such that it does not exceed the length of the first separated body (32A) in the direction orthogonal to the insertion direction of the flat tubes, allows the header tank of amended Claim 10 to be formed by applying the caulking power generated by a caulking tool 63 along an X-direction as shown in Fig. 12B and as described at page 13, line 20 to page 14, line 1 of the specification.

In contrast, Bertva describes a two-piece header in which the length of the outer member 48 in a direction orthogonal to the insertion direction of the flow tube 14 exceeds the length of the inner member 26 having the tube holding wall in the direction orthogonal to the insertion direction of the flow tube 14, as shown in Fig. 4.

In Calleson, the length of the curved upper portion 122 in a direction orthogonal to the insertion direction of the tube 112 also exceeds the length of the header plate 150 having a tube holding wall in the direction orthogonal to the insertion direction of the tube 112.

Accordingly, Bertva and Calleson both fail to describe that the length of the main body portion (41) in a direction orthogonal to the insertion direction (X) of the flat tubes (30) does not exceed the length of the first separated body (32A) in the direction orthogonal to the insertion direction of the flat tubes (Y), as required by Claim 10. Accordingly, Claim 10 should be allowed.

Claims 2, 4, and 5

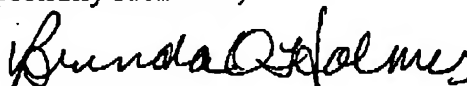
Claims 2, 4, and 5 depend directly or indirectly from Claim 10. The remarks made above in support of the patentability of independent Claim 10 are equally applicable to distinguish the dependent claims from Bertva and Calleson. Accordingly, Claims 2, 4, and 5 should also be allowed.

Appln. No. Serial No. 10/807,722
Amdt. Dated 6/6/05
Second Response in Appln, Reply to Office Action of 1/6/2005
Page 7 of 7

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,



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